

S. HRG. 114-172

# FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION

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## HEARING

BEFORE THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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APRIL 14, 2015

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ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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## **FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION**

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**TUESDAY, APRIL 14, 2015**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 9:34 a.m., in room SR-253, Russell Senate Office Building, Hon. John Thune, Chairman of the Committee, presiding.

Present: Senators Thune [presiding], Wicker, Blunt, Ayotte, Heller, Fischer, Sullivan, Moran, Gardner, Daines, Nelson, Cantwell, Klobuchar, Schatz, Booker, and Manchin.

### **OPENING STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM SOUTH DAKOTA**

The CHAIRMAN. This hearing will come to order.

Good morning. Today, the Commerce Committee begins a series of hearings on the reauthorization of the Federal Aviation Administration, and we are fortunate to have with us the Administrator of the FAA, Mr. Michael Huerta.

Mr. Administrator, I want to thank you for being here to help us kick off our effort to review the programs of the FAA as we move forward on reauthorization legislation.

Aviation has been and continues to be an essential component of our economy and society. From the crop dusters serving our agricultural heartland to modern jetliners that can connect almost any two points on the planet, the aviation community touches just about every aspect of modern life.

New frontiers in aviation, such as unmanned aircraft, continually arise and challenge both entrepreneurs and government regulators alike. Air transportation facilitates business and social interaction more and more each year. While the Internet has allowed the world to connect virtually, it is often aviation that allows the world to connect in reality.

At the center of our vibrant aviation community lies the FAA, which has played a critical role in ensuring that flying is safe for those in the air and on the ground. Although it can be hard to compare the different modes of transportation, most experts agree that aviation remains far and away the safest way to travel.

This is truly remarkable given the inherent complexities of flight and the immense size of our aviation system. On average, in any given hour, there may be as many as 60,000 people airborne over the U.S. That is nearly the population of Rapid City, which is South Dakota's second-biggest city.

So the entire aviation community, including the FAA, should be proud of this safety record. Of course, we must not become complacent, as there is always room for improvement.

I believe that we have in the audience today family members of some of the victims of the Colgan Air tragedy in Buffalo just 6 years ago this February. Their efforts to improve aviation safety have had a meaningful impact in the years after that horrible tragedy, and I admire their tireless efforts on behalf of the traveling public.

Our Nation's air traffic control system has served us well for many years, but it is still based on equipment, concepts, and procedures that date back decades. In recent years, the FAA has tried to modernize the system by moving to satellite navigation and more automation, but these efforts have cost many billions of dollars with not as much progress as we all would like to see.

The Government Accountability Office and DOT's Inspector General have pointed out the many shortcomings with respect to FAA's efforts to modernize our air traffic control system. Some of the problems seem to be deep-rooted and cultural in nature.

Nearly 8 years ago, the IG noted that implementing the Next Generation Air Traffic Control System, or NextGen, would be an extraordinarily complex, high-risk effort. That looks like a gross understatement, as we are still many years away from full implementation, with many more billions yet to be spent.

Some have suggested that the current governance model for air traffic control is ill-suited for NextGen. In that regard, I applaud Chairman Shuster of the House Transportation and Infrastructure Committee on his consideration of new approaches that may yield better results and deliver the promised benefits of NextGen.

So I look forward to discussing options for reform this morning. No matter who is in charge of the operation of the air traffic control system, airports are an integral part of our aviation system. Whatever path we take this year, we are sure to debate options for airport funding and how to maintain equitable access to funding for airports of all sizes.

Ours is truly a National Airspace System, a system of airports and air traffic control infrastructure that ties communities, big and small, together, not to mention the vast users, from private pilots, commercial jetliners, military users, and even space tourism.

As important as the safety standards and procedures for operating in the Nation's airspace are, so, too, are the standards and certification processes that ensure safety of aircraft in the system. If the United States is to remain at the forefront of aerospace manufacturing and innovation, the FAA must be able to review and approve new aircraft in a timely and effective manner. Cutting edge technologies, from fly-by-wire airliners to unmanned aircraft systems, need to get to market quickly with FAA's gold standard safety certification.

Again, I want to thank the Administrator for being here to discuss these and other important aviation issues.

The FAA has a lot of work ahead, and this committee is in a position to help the agency be the best it can be in the years ahead. I am looking forward to working with Ranking Member Nelson as

well as with Senators Ayotte and Cantwell on this important legislation.

I now want to turn to Senator Cantwell, who is the Ranking Member on the Aviation Subcommittee, for her opening remarks.

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. I am just pinch-hitting for Senator Nelson, who I think is going to be joining us momentarily.

And, obviously, Administrator Huerta, great to see you here today.

Aviation has played a critical role in the development of our national economy. I know my colleague from Florida would want me to mention that the first commercial service flight happened in 1914 between St. Petersburg and Tampa, so it is very important to his state, as well.

Since then, commercial air service and general aviation and manufacturing have flourished all throughout the United States, including Florida and in my state of Washington, providing good-paying jobs and creating opportunities in education, tourism, technology, research, and business.

The bottom line is that a robust, reliable air transportation system is essential to our Nation's growth. I appreciate the work of the FAA in ensuring that segments of the aviation industry have access to airspace and for their efforts to prepare our air traffic system for future growth and challenges.

The FAA is integrating new technology, including unmanned aircraft and commercial space operations, into the national airspace. For example, this Committee recently held a hearing on unmanned aircraft, which hold immense potential for many industries, from helping fight, for example, in Florida, citrus greening to delivering faster packages after a natural disaster.

The FAA has also made significant progress on NextGen air traffic control modernization. Benefits being delivered today under NextGen include more efficient flight paths that save airlines and travelers time and money and reduce fuel emissions. And so we will look forward to hearing more about that, its implementation, and how we can continue to improve.

But there are certainly some storm clouds on the horizon. While the number of commercial air passengers continues to grow by more than 2 percent each year and our major hubs are bustling, we are seeing reduced service and higher fares in a number of smaller communities. I am sure my colleagues have heard a lot from their constituents on this.

Additionally, airline consolidation has led to reductions in competition and service that have negatively affected consumers in some areas. As the Committee moves forward on FAA reauthorization, I hope all of us will remain sensitive to not only maintaining one of the safest aviation industries in the world, but also one that is consumer-friendly.

FAA authorization was extended 23 times before a new law was enacted, and we simply cannot afford a repeat of those events. In 2013, for example, we spent a lot of time just trying to keep 149

contract towers open. Though we ultimately were successful, our time is better spent working on addressing real long-term challenges and not more problems created by Congress.

The FAA needs stable funding and a long-term authorization to carry out its mission. I know my colleague Senator Nelson is leading the charge on that, working with Chairman Thune.

Administrator Huerta, I look forward to hearing your thoughts on how we mitigate the impacts of sequestration and enable the FAA to continue its important work safeguarding the busiest and most complex aviation system in the world.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell. And we do look forward to working with you and Senator Nelson and members on our side in fashioning a bill that fits with the requirements, the needs that we have in our modern air traffic system in this country.

And we are delighted, as I said, to have the Administrator here today of the FAA, Mr. Michael Huerta.

And so, Administrator, please proceed. We would love to hear from you, and then we will ask you a few questions. So thank you for being here.

**STATEMENT OF HON. MICHAEL P. HUERTA, ADMINISTRATOR,  
FEDERAL AVIATION ADMINISTRATION**

Mr. HUERTA. Thank you, and good morning. Chairman Thune and members of the Committee, thank you for inviting me to speak today about the reauthorization of the Federal Aviation Administration.

It seems like not that long ago that we were united with a shared sense of urgency to provide the necessary framework and structure to support our Nation's aviation system as part of the FAA reauthorization of 2012, and now here we are again to continue with that important work.

Government and industry have a shared responsibility to create the aviation system that will carry this Nation well into the 21st century. The FAA has made major progress in transforming our airspace system through NextGen, and that progress continues as speak.

I am very proud to announce that we achieved a major milestone just last month by completing one of the largest automation changeovers in the history of the FAA. We have completed our new high-altitude air traffic control system, known as ERAM. This system will accommodate the technologies of NextGen, giving the United States a more powerful air traffic system.

ERAM, or En Route Automation Modernization, is not just a faster computer system. It is a network that replaces our legacy system, which had its roots in the 1960s. ERAM processes data from nearly three times the number of sensors as the legacy system it replaces. It can track and display more high-altitude flights and enable controllers to handle additional traffic much more efficiently.

This upgrade is complete now because we introduced a great deal of discipline and structure to the way that we do business at the FAA. In 2012, we created a program management organization to



better manage the deployment of this and other technologies. We also worked closely with our employees, those that will use the system, to gain insight and to make alterations ahead of time for a smooth transition.

The fact that we turned ERAM around and that it is now operating nationwide is a testament to what the FAA can accomplish as an agency when it sets milestones and pulls together as a team to make fundamental changes.

ERAM links seamlessly with another complementary system that makes up the foundation of NextGen. This system is called Automatic Dependent Surveillance-Broadcast, or ADS-B. Last year, we finished the coast-to-coast installation of the ADS-B network that will enable satellite-based air traffic control. ADS-B provides a more precise and efficient alternative radar and will create a sea change in how we manage our Nation's air traffic.

With this highly flexible NextGen foundation in place, the FAA has fulfilled an important commitment. We are working with the industry and the general aviation community to help them meet their requirement to equip by 2020.

On a parallel track, through our collaboration with industry, we have identified key priorities in implementing NextGen air traffic procedures. We now have more satellite-based procedures in our skies than radar-based procedures. We created new NextGen routes above our busiest metropolitan areas, saving millions of dollars in fuel burn, shortening flight paths, decreasing carbon emissions, and cutting down on delays.

We have accomplished all of this despite a very challenging fiscal backdrop. Prior to 2012, the FAA faced 23 short-term extensions for reauthorization, as well as a lapse in spending authority and a partial furlough. Two years ago, like other Federal agencies, we slashed our budget under the sequester and furloughed employees. Later that year, we continued to operate our Nation's air traffic control system and safely regulate the industry despite a complete shutdown of the Federal Government.

What the FAA needs in reauthorization is stability and predictable funding. We also need the flexibility to identify priorities and to match our services and infrastructure with the needs of our users.

It bears emphasizing that the FAA is a 24/7 operation, singularly focused on safety. I think everyone has acknowledged that the funding piece has been challenging in the last 5 years. There is talk about restructuring the FAA as part of this reauthorization. I am all for having that discussion, but that discussion needs to be based on facts. We need to be sure that any governance changes would work to solve the challenges that are faced by the FAA.

Our aviation system is a valuable asset for the American public that contributes 12 million American jobs and \$1.5 trillion to our economy. We should use the upcoming reauthorization to provide the FAA with the tools necessary to meet the demands that we have in the future. A lot is at stake, and we need to get it right.

So I thank you for the opportunity to appear before the Committee today. I am happy to respond to any questions you may have.

[The prepared statement of Mr. Huerta follows:]

PREPARED STATEMENT OF HON. MICHAEL P. HUERTA, ADMINISTRATOR,  
FEDERAL AVIATION ADMINISTRATION

Chairman Thune, Senator Nelson, Members of the Committee:

Thank you for inviting me to speak with you today on the reauthorization of the Federal Aviation Administration's (FAA) programs.

It seems it was not that long ago that the FAA was celebrating the passage of the *FAA Modernization and Reform Act of 2012* (the Act). As you know from recent hearings, the FAA continues to work to meet the directives of the Act. We have completed over three-quarters of the more than 200 reauthorization requirements that Congress directed us to undertake in the Act. We are proud of what we have achieved and know we still have more work to do.

Aviation was born in America—and has thrived in this country since Wilbur and Orville took their first flight over 100 years ago. We are truly unique in having the world's most vibrant and diverse aviation community—commercial carriers, regional carriers, business aviation and recreational flyers, not to mention new users like operators of unmanned aircraft systems (UAS) and commercial space vehicles. U.S. aircraft and avionics manufacturers produce some of our Nation's most valuable exports.

Our leadership, however, is being challenged globally by the evolution of the industry and the growth of foreign competitors. Domestically, the FAA faces several particular challenges moving forward: investing and implementing long-term modernization and recapitalization projects, and quickly adapting to the growth and development of the global aviation industry. In recent years, funding uncertainties resulting from sequestration, government shutdowns, and short-term reauthorization extensions, have hurt the FAA's ability to efficiently perform our mission, and have impeded our ability to commit to long-term investments. This means that we need stable, long-term funding to effectively operate our air traffic control system, invest in NextGen and efficiently recapitalize our aging facilities. This would best be achieved with the passage of a long-term reauthorization bill that establishes stable long term funding to provide the certainty necessary to plan and implement long-term projects. In times of constrained budgets, we need to prioritize our responsibilities to focus our resources on ensuring the safety and efficiency of the existing aviation system as well as delivering new technology and capabilities, and respond nimbly to evolving challenges such as new external cyber security threats. Additionally, the agency needs greater flexibility to transfer funding between accounts to meet those challenges. We cannot risk being left behind as the aerospace industry becomes more complex, diverse, and globalized.

At the FAA, we have begun laying the foundation for the aviation system of the future and ensuring that the United States continues to play a fundamental role in shaping the global aviation system. To achieve this, I am focused on several strategic areas: (1) making aviation safer and smarter through risk-based decision making; (2) delivering benefits to the traveling public and industry through technology and infrastructure improvements; (3) fostering a workforce with the skills and innovation necessary to deliver the future system; and (4) reinvigorating our influence around the world through our Global Leadership Initiative.

To maintain our global leadership—and continue to reap the economic benefits of this industry—I believe we must use the upcoming reauthorization as an opportunity to provide the FAA with the tools necessary to meet the future needs of our industry stakeholders and the traveling public. Global leadership in aviation is an area that is of mutual concern to all of our stakeholders, this Committee and the Administration.

Air travel is an invaluable asset to the U.S. economy and the FAA shares a responsibility for ensuring that asset is available to the flying public. A long term reauthorization can also lay the groundwork for ensuring consumer protection and fostering competition in the national airspace. Access to small and rural communities can be improved by increasing efficiencies in existing programs, and air travel can be made more accessible to those with disabilities. Because the flying public relies on services the FAA provides every day, because aviation is a tremendous asset to our economy, and because of our global leadership role, we must take steps to ensure the FAA is well-positioned to meet the challenges the aviation industry faces. A lot is at stake here, so getting things right is vital.

To succeed, we will need to unite the interests of industry and the flying public around our priorities and I welcome the opportunity to continue this dialogue on how best to move forward. With a unified view on the right tools and initiatives, this upcoming reauthorization will give the FAA a tremendous opportunity to make a difference for the traveling public and the economy, while addressing the challenges that the changing industry presents.

### **Making Aviation Safer and Smarter through Risk Based Decision Making**

The aerospace industry is growing more complex, and is not the same industry we regulated in decades past, or even a few years ago. Several factors in particular are increasing the complexity of the industry and introducing different types of safety risk into the system. These factors include new aerospace designs and technologies (*e.g.*, UAS), changes in the FAA's surveillance and oversight model (*e.g.*, designee management programs), and different business models for the design and manufacture of aircraft and products (*e.g.*, more global supply chains). In order to leverage FAA's limited resources, we must ensure that they are directed at areas with the highest safety risk. Because commercial aviation accidents are becoming rare occurrences, the FAA needs to build on these safety successes and identify and mitigate precursors to accidents to better manage aviation safety and ensure we continue to have the safest aviation system in the world.

Reauthorization can help us succeed with this initiative by establishing and fostering risk-based safety approaches to aviation oversight; expanding collaborative, data-driven safety processes with industry to improve safety; and accelerating risk-based certification mechanisms in order to achieve more streamlined processes in areas such as certification. I know you have heard from industry that this is important from their perspective in order to improve their competitiveness in a global market.

### **Delivering benefits through technology and infrastructure in the National Airspace System (NAS)**

This initiative lays the foundation for the NAS of the future by achieving prioritized NextGen benefits, integrating new user entrants, and delivering more efficient streamlined services. The nation's air traffic system is based on infrastructure that was largely built 50 years ago and is out of balance with our stakeholders' changing needs and is increasingly costly to maintain. Over the past 10 years, the agency has seen dramatic technological change, fuel price fluctuations, congestion concentrated in fewer hubs and an increasing backlog of much needed infrastructure, maintenance and modernization.

Building the NAS of the future and accommodating new services will require difficult decisions. FAA needs the flexibility to modify its service levels to match changing industry air traffic demands. This is essential in order to reduce costs and become more efficient in the long run. The network of FAA facilities, infrastructure, and technology is aging and sprawling and needs to be addressed. Over the next four years, it will be important to find a path so the NAS can undergo a transformation to a more efficient system with increased safety and user benefits. This means expanding collaborative efforts with industry stakeholders to implement NextGen. We need to continue to ensure that industry makes timely and necessary equipment investments to maximize the widespread deployment of NextGen. The NAS strategy sets a framework for prioritizing investment decisions and delivering measurable benefits. We can't afford a "business as usual" approach, especially if we want to maintain U.S. global influence. We need reauthorization to allow the FAA to better align our resources with the needs of the NAS by providing the FAA greater flexibility to modify our service levels to support changing industry demand, and by establishing a collaborative, transparent, and binding process to modernize FAA's facilities and equipment and match our footprint to the demand for air travel.

NextGen is already redefining the NAS and delivering benefits to system users, such as reduced fuel costs, reduced delays, and reduced environmental impacts. Reauthorization can enable the FAA to enhance delivery of widespread benefits by expanding collaboration with industry to continue NextGen implementation. This includes collaborative efforts to ensure that industry makes timely and necessary equipment investments, working with industry to clarify and enhance milestones with hard deadlines for all NextGen projects and define measurable user benefits and deadlines for the delivery of those benefits.

Reauthorization should establish flexibilities, such as exemptions from existing law, needed to enable the safe and efficient integration of new users, including UAS and commercial space transportation vehicles, into the NAS, encouraging these innovative technologies. Last month, we issued a notice of proposed rulemaking that represents a big step forward in outlining the framework that will govern the use of small unmanned aircraft weighing less than 55 pounds. The proposed small UAS rule offers a very flexible framework that provides for the safe use of small unmanned aircraft, while also accommodating future innovation in the industry. We are doing everything we can to safely integrate these aircraft while ensuring that the United States remains the leader in aviation safety and technology. Reauthorization should support the development of tools and regulations to safely and effi-

ciently integrate new users, including UAS and commercial space vehicles, into the NAS.

Finally, the Nation's airport infrastructure must also be maintained. We propose to increase the Passenger Facility Charge to \$8 to allow for needed investments in commercial service airports. Restructuring funding for the Airport Improvement Program (AIP) to better respond to the needs of smaller airports is also critical to ensuring that all users of the system have the infrastructure in place to meet their future needs.

### **Empowering and innovating with the Workforce of the Future**

As our strategic initiatives suggest, FAA is embarking on a major transformation that can only be accomplished if it has a workforce that is prepared with the skills and mindsets to drive the needed change. Reauthorization can support long term workforce planning and implement policies that will foster the strong, skilled, accountable workforce necessary to implement NextGen. Strong leadership is required from all levels of the agency to communicate the vision, implement the priority initiatives, and ensure that transformational impact will be sustained. The movements toward risk-based decision making, transforming the NAS through streamlined services, acceleration of NextGen benefits, and integrating new users to the system require new technical and functional skills, and a cultural shift in how the agency works.

To stay accountable to the public, the FAA will also refine its publicly available agency performance scorecard to clearly and publically acknowledge major changes to program's milestones, deadlines, costs, savings, or benefits. Monthly reporting on the agency's website on the performance of the agency and aviation industry in meeting these goals will help ensure that the FAA remains transparent and accountable to its mission.

We are in the midst of a retirement wave, which presents both challenges and opportunities. It is important to set the foundation to empower and to innovate with tomorrow's FAA employees. The FAA needs to harness the collective strength of the agency's employees. The FAA's workforce is the ultimate driver of our success, which means that the agency must attract and develop the best and brightest talent, with the appropriate leadership and technical skills to undertake a necessary transformation.

### **Enhancing Global Leadership**

To enhance our global leadership position, we need to show the world how to achieve the next level of safety, deliver the technological capabilities to modernize air traffic management, and integrate new users seamlessly into the NAS. While aviation was invented in America, there is no guarantee that the United States will continue to shape the second century of flight. As other nations have seen their aviation systems grow dramatically they have become significantly more influential on the international stage and this presents safety, efficiency, and competitive challenges for both the FAA and U.S. businesses. The FAA needs to be at the table to shape and harmonize international standards to effectively address these issues. This means we need to increase collaboration with industry and leverage our international relationships. The FAA also needs to strengthen the U.S. presence and role at the International Civil Aviation Organization (ICAO) and other international forums.

The United States benefits from global leadership with increases in safety, efficiency, environmental sustainability, exports, and leverage to achieve broader international objectives. FAA programs promote seamless connectivity across borders for air navigation and product exchanges. Worldwide acceptance of U.S. policies and regulatory approaches removes barriers for the U.S. aerospace industry. The global leadership initiative ensures that the FAA maintains its external engagement and internal structure to continue improving the safety and efficiency of global aviation. To help us succeed, we need reauthorization to provide the budget stability over a long term that will prevent disruptions to our services and participation in the global aviation community, and demonstrate our commitment to aviation.

### **Conclusion**

I have outlined our aspirations, our challenges, and some guiding principles and ideas for how reauthorization could help advance safety improvements, make the national airspace system more efficient, improve service for air travelers and other stakeholders, and enhance America's leadership in aviation.

What I have outlined today is a bold aspiration for the FAA, and will span far beyond the next four years. However, we are also committed to seeing measurable and steadfast progress that will achieve tangible benefits to users of the system by 2019. The rapidly changing industry, the technological opportunities, the uncertain

fiscal environment, an evolving workforce, and the global backdrop comprise a compelling case for transformational change, and that is what the FAA expects to achieve.

I like to believe we share a common vision for the FAA and its role in the future of aviation, domestically and globally. I hope that this mutual goal will enable us to work closely in the coming months to agree upon the changes necessary for the FAA to achieve the initiatives I have outlined today.

Mr. Chairman, Ranking Member, I am eager to work with you and the Committee as we strive to achieve the appropriate path for the future of aviation and the economic engine it represents.

The CHAIRMAN. Thank you, Mr. Administrator.

I will start it off by asking the first question, and that has to do with, today, the Government Accountability Office is going to be releasing a report on cybersecurity challenges as they relate to FAA's transition to NextGen.

GAO is recommending that FAA consider developing an agency-wide threat model, include the Office of Aviation Safety on your Cyber Security Steering Committee, and develop a plan to implement revised cybersecurity guidelines from the National Institute of Standards and Technology.

How is FAA responding to GAO's recommendations? And perhaps more generally, how confident are you that FAA has baked in cybersecurity in its NextGen efforts?

Mr. HUERTA. Thank you for that question.

Cybersecurity is an ever-evolving threat, and it is something that we, like all Government agencies, need to maintain a very high level of vigilance to deal with what is a significant and evolving threat.

We have concurred with GAO's recommendations relating to the deployment of NextGen and we have done a number of other things, as well.

The FAA established a new Executive Cyber Security Steering Committee to oversee the full scope of cyber and risk issues that exist across what is, as you well know, a very technology-intensive agency.

One of the things that we are very focused on is how do we ensure that, as we identify problems in a particular area of the system, that we are able to take that information and assess the impacts and possible applicability of what those threats might represent in other parts of the system.

We are also working with our government partners, including the Department of Homeland Security, who you referenced in your question, the National Security Agency, and the U.S. Army's Cyber Command, to work with them to identify other needed enhancements that we, as a government, can bring to our air traffic system.

I think it is fair to say that this threat will continue to evolve, and it is something that needs to be at the forefront of our thinking as we, not only maintain the existing system, but also as we bring new technologies into the system. That is something that we are very focused on and very committed to. We look forward to working in continued partnership with GAO and with you in making new and existing technologies safe.

The CHAIRMAN. Mr. Administrator, many in the aviation community are frustrated by the pace of air traffic control modernization

and want to see the benefits of NextGen realized much sooner than the current plans provide. Some now are suggesting that the FAA's air traffic organization should be pulled out of the agency and transformed into a government or private corporation of some kind.

My question is, is the Administration open to talking about such proposals?

Mr. HUERTA. I would like to address the first part of your question first. Through the combination of a lot of technological, operational and procedural enhancements, we are delivering a lot of benefits associated with NextGen now. It is an incredibly complex undertaking, but we are delivering an extensive range of performance-based navigation as well as technology solutions now, and that will continue with the further deployment of NextGen.

As we look to the longer term, I think it is important to ask the question, what exactly is the problem that we are trying to solve? The FAA has made significant progress, but we know there is more to be done, therefore the Administration is very open to having a conversation on alternative governance models as long as we are focused on what are the major concerns that we are trying to address.

I believe that there are several things that any governance structure needs to address. First and foremost, we have to maintain the very high levels of safety that currently exist.

Second, we have to ensure that we are very focused on delivering technology and the benefits associated with that technology. That involves a very tight linkage between not only the operational side of the agency, but the regulatory side of the agency, which establishes separation standards and proves that the system operates safely.

We also need funding stability in order to ensure that, as we make long-term investments, that they are not interrupted by needing to stop and start contracts. We must be able to support the operational enhancements and the training that is needed to deliver NextGen benefits.

Can alternative governance structures get us there? Possibly. But, at the same time, we need to recognize that there may be unintended consequences that we have to fully understand. I would welcome the opportunity to have a robust discussion with the Committee on what other models might look like.

The CHAIRMAN. Yes. Thank you.

And, finally, the Airline Safety and FAA Extension Act of 2010 required the FAA to create an electronic database of pilot records to facilitate vetting of pilots as they seek employment in the airline industry. The directive came in the aftermath of the investigation of the tragic Colgan 3407 accident, an accident that may have been prevented had hiring officials known more about the pilot in command's checkered record.

Years later, I must ask, when will the agency complete action on the long-awaited pilot records database?

Mr. HUERTA. As you know, H.R. 5900 included a number of rulemakings relating to pilot fatigue, safety management systems, pilot training, and pilot qualifications. A lot of good work has taken place, and I am pleased that we have been able to accomplish a great deal in improving pilot safety.

With respect to pilots' records, this is something that we are focused on, but it is an incredibly complex undertaking. It requires a very extensive set of records, as well as a very extensive set of technology solutions that we need to look at to ensure that we can do this efficiently and that it can be effective in meeting what is needed here and what is called for in the Act.

As you know, we initiated a rulemaking and developed a notice of proposed rulemaking and have been doing work on associated advisory circulars. We have been having extensive conversations with industry about how best to make this a reality.

I am as frustrated as anyone that it has taken us this long, but it is important that we get it correct and that the records database serves the purpose that it was intended to serve, which is a transparent and effective means of sharing information across the industry.

The CHAIRMAN. Thank you.

Senator Cantwell?

Senator CANTWELL. Thank you, Mr. Chairman and Administrator Huerta.

And I should just mention, if the Colgan families are here in the audience, as the Chairman mentioned, I want to thank them for their continued diligence on this issue, because their efforts to keep us focused on this are making a difference. So thank you.

Administrator Huerta, I know just recently the FAA sent an urgent memo to United Airlines related to their pilots and some near mishaps. Is that an unusual move? Is that something that the FAA is trying to be more aggressive on, or were there real problems that needed to be addressed?

Mr. HUERTA. I think what it is reflective of is continued vigilance on maintaining the highest levels of operational safety across the industry.

United and all of the major carriers have gone to safety management systems where they share data with the FAA, and the FAA analyzes that data on an ongoing basis. The purpose of our doing that is to see, are we picking up trends that would indicate that there are challenges or issues that the company and we need to address to maintain safety?

The purpose of sending the letter to United was to bring to their attention things that our analysis had detected and which suggested needed their attention.

This is a regular and ongoing activity that the American people expect of the agency in order to ensure that everyone's focus is where it needs to be. We need to focus on how is the company operating on a day-to-day basis, what they are seeing in the way of things that they need to focus on, all with the ultimate goal of maintaining very high levels of safety.

Senator CANTWELL. Well, I would encourage you to continue to have that level of vigilance. I think that is what the American public wants.

I think that what people are looking at as it relates to the consolidation of the industry and how cultures are merged are whether processes are being followed. And, obviously, Colgan taught us a big lesson as it relates to people seeing a big brand that they might trust on the side of a plane, and then the same standards aren't

necessarily applied through that whole culture. So I just can't emphasize enough how important this is.

Now, I obviously want to see NextGen implemented. And I don't know if you could tell us—I actually have two questions. If you could get both of these in, it would be great.

You know, last time we were here, I think it was somewhere in—was Dallas-Fort Worth the next site for staging and implementation, and we asked, what other cities or jurisdictions could we move forward on. Having those cities do the actual legwork so that, when the FAA is ready to move to them, they will already be better prepared.

So I don't know if you have any update on that——

Mr. HUERTA. Certainly.

Senator CANTWELL.—as it relates to the implementation cities.

And then, on this air traffic control system, many of my colleagues—for us, it is Walla Walla Regional Airport that is forced to pay into the contract support costs. You don't want them to go away. But yet, at the same time, for a small regional airport that is growing in air service as it relates to a burgeoning wine industry, you don't really want them to go out of business because of contract support.

So I know you are working on a new formula and criteria that many of my colleagues on this committee care about, so if you could give us an update on that, it would be great.

Mr. HUERTA. First of all, as it relates to deployment of NextGen and performance-based navigation, as you know, one of our first and most successful projects was over Seattle, a program called Cleaner Skies. We designed a whole host of efficient procedures designed to save on track miles flown and fuel burn.

That is now being applied across the country. When we last spoke, we had just deployed in Houston, where we turned on 61 procedures all on 1 day of May of last year. Since those have been turned on, we have been getting an 80 percent utilization rate of performance-based navigation, and that is yielding millions of gallons in fuel savings.

The same can be said for Dallas, which was turned on later in the year, in northern California and here in the Washington region, where we are also deploying performance-based navigation.

Last week, we were in Atlanta talking about the deployment of a new set of procedures that increase the departure rate at Hartsfield-Jackson International Airport by about 25 percent. We revised wake turbulence standards that enable us to bring aircraft closer together, all of which save fuel and create much more efficiency in the system.

So I think very, very good progress is being made, and that will continue.

Relating to ensuring the funding for the contract towers, which you reference, as you know, the law requires that we regularly update the benefit-cost ratio that we use in making the determination of whether it is beneficial to have a tower at smaller regional airports.

That is a process that is ongoing right now. We are updating the data on the cost side. We are also in discussions with the industry



about how best to look at that data so that we can ensure that we are able to provide the services consistent with law.

Senator CANTWELL. Well, thank you. I will look forward to dialoguing. And if some of those airports——

Mr. HUERTA. Sure.

Senator CANTWELL.—can dialogue with the FAA on that formula, it would be very helpful.

Mr. HUERTA. Sure.

Senator CANTWELL. Thank you.

The CHAIRMAN. Thank you, Senator Cantwell.

Senator Blunt?

**STATEMENT OF HON. ROY BLUNT,  
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. Thank you, Chairman.

Administrator Huerta, Senator Manchin and I, along with Senator Inhofe, last year, sent you a letter on the contract tower issue. What law is it you are trying to comply with here to make the data and the law match?

Mr. HUERTA. The law requires that there be a positive cost-benefit ratio, the cost of providing the tower versus the benefits achieved. On a periodic basis we need to update the methodology to ensure that the data is current.

Senator BLUNT. And what are you doing to update the methodology? How do you determine the benefit?

Mr. HUERTA. The benefit is calculated based on what we expect in the way of traffic and the safety benefit that is derived from having an air traffic control tower there relative to the nature of the services that they have.

On the cost side, it is purely the cost of——

Senator BLUNT. And do you look at the options to using that airport that people might have as part of the benefit analysis?

Mr. HUERTA. What we look at is what it yields in terms of how the airport actually operates. But we would be happy to provide a detailed briefing on the actual methodology——

Senator BLUNT. OK. I would like to have that briefing.

Mr. HUERTA. Sure.

Senator BLUNT. That would be helpful. And just looking around at the people on this committee, I think there has been long-term and significant amount of interest by——

Mr. HUERTA. Sure.

Senator BLUNT.—many of the members of the Committee on this particular issue. So, in addition to Senator Manchin and I, I know Senator Moran has been one of the leaders on this. And I would like——

Mr. HUERTA. We would be happy to.

Senator BLUNT. I would like you to furnish us with that. That would be good.

Also, on one other question, one of the goals you have stated is the importance of reinvigorating U.S. influence in the world in aviation. One of the questions I have is, what are you doing to try to be supportive of the certification process being appropriate for manufacturers in the United States in the aviation industry?

Mr. HUERTA. The FAA is very focused on streamlining the certification process and improving on it, for the reasons that you have talked about.

Following the FAA Modernization Reform Act of 2012, section 312 of that piece of legislation required the agency to develop 14 specific initiatives that were really focused on how we could streamline and make the whole certification process much more efficient. We have completed 10 of those 14 initiatives.

Examples of what we have done include developing an integrated comprehensive roadmap for major change initiatives across aircraft certification. That is essentially a forward look that we do in cooperation with industry. What can we expect industry to be putting before the agency? What that enables us to do is to plan our resource allocations so that we are ready for them when they come in.

We have also developed an action plan and worked with the various industry associations. They feel that this has been quite effective in being responsive to their needs.

They have also suggested that we focus on what is called the ODA, the organizational designation, where we can work with a trusted partner in manufacturing where they can act on our behalf to carry out many of the certification functions that would otherwise be carried out by an FAA inspector.

This is something that the FAA is really looking at expanding and taking better advantage of the existing organizational delegations. We have hosted a number of seminars with the industry over the last couple of years and have had very specific discussions with individual companies about what they would like to see. I think good progress is being made.

Finally, for small airplanes, we are very focused on a total rewrite of Part 23. This is the regulatory framework that governs small aircraft. We have worked in conjunction with an aviation rulemaking committee, which is where industry advises us on what they would like to see. I think that what we have developed is a great framework, which is now being codified in a notice of proposed rulemaking that we intend to publish later this year.

Senator BLUNT. One final question. On the training center that there has been discussion of relocating that, are you about to make a—have you made a final decision, or are you about to, on that?

Mr. HUERTA. On air traffic training?

Senator BLUNT. This is the training center that was in Florida, that there were—

Mr. HUERTA. Yes, we have. It is a national training company. It is more of a partnership model, working in conjunction with industry. We can provide you with the details of that.

Senator BLUNT. Thank you.

The CHAIRMAN. Thank you, Senator Blunt.

Senator Nelson?

#### **STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA**

Senator NELSON. And, Mr. Chairman, I will just ask a quick question so we can get on to the other members.

Last December, the most unbelievable thing was discovered in the Atlanta airport. For 6 months an airport employee had been bringing guns into the airport, then going into the sterile passenger area, rendezvousing with a passenger who had already come through TSA with an empty backpack and giving the passenger guns, including a carbine. This went on for 6 months until he was finally caught. The last time, in December, when he was caught, the passenger had 16 guns in the backpack on the airplane. Now, thank goodness he was a criminal instead of a terrorist.

Well, it so happens, of the 450 airports, there are only 2 that have solved this problem, and I happened over the recess to visit both. One is Orlando, and one is Miami. What they did was they took all of their hundreds of airport employee access points, boiled it down to a handful, and then put up the same kind of screening that we as passengers go through in TSA.

Airports, of course, want money to help with that screening, but it is absolutely necessary for the safety of the traveling public. So what about using FAA airport money to help airports do what Miami and Orlando have already done?

Mr. HUERTA. That is certainly a possibility.

As you know, the screening and security responsibility is a shared responsibility between the Transportation Security Administration and the local airport authority. The FAA can support that, as you mentioned, Senator, through the Airport Improvement Program.

The insulation of airport perimeter fencing is certainly something that we regard as a high priority for airport grants. We have provided close to \$300 million in AIP grants over the last 10 years, so that is an average of about \$30 million annually, for specific programs that have been requested by the airports. We—

Senator NELSON. So you are saying the money is already there; they just need to apply for it?

Mr. HUERTA. We have two sets of AIP funding. There are formula allocations that local airports receive, and then there is a discretionary program. The airport can work in cooperation with the FAA to establish the priority of how the AIP funds get spent. Security is certainly something that is an eligible use there.

Senator NELSON. Well, may I suggest that the remaining 448 airports in this country need to do that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Nelson.

I have Senator Moran, followed by Senators Booker, Ayotte, and Manchin.

**STATEMENT OF HON. JERRY MORAN,  
U.S. SENATOR FROM KANSAS**

Senator MORAN. Mr. Chairman, thank you very much.

Administrator Huerta, thank you for being here.

Mr. HUERTA. Thank you.

Senator MORAN. Let me ask a couple of Kansas-oriented questions, one related to the fact that we manufacture lots of airplanes. The certification process—you have been directed, the agency has been directed to make improvements in the certification process.

There is some evidence of improvements being made, but continue to be lots of concerns about delay and the time necessary.

Also, the lack of use or availability of the ODA program, the organization designation authorization. Anything that you can assure me that things are getting better and are going to continue to get better?

Mr. HUERTA. I think they are getting better, and I think they are going to continue to get better.

As I mentioned earlier, we had identified a number of specific priorities. The importance of these priorities is that they were negotiated with industry; what are things that they would like to see us doing? We are on track to addressing the major things that they would like to see and they relate to what you have talked about—the ODA, the organizational designation, and the rewrite of Part 23.

This is something that is important because it enables the FAA to better leverage our resources to focus on more novel and complex manufacturing issues or where we are more likely to identify specific challenges and problems. This is something I am very, very committed to, and it is something that we are very much into for the long—

Senator MORAN. So there is not an FAA bias against ODA. In fact, you are indicating it is something you are very supportive of, would like to see it work more and better.

Mr. HUERTA. Certainly not at the leadership level, but I will say that anytime you are dealing with a redefinition of the regulatory relationship between a regulator and the industry that it regulates, it is an important cultural change. That is something that we recognize is that we have to address on the front lines. It is also something we must codify in the procedures and orders that we disseminate throughout the agency.

That is why I spend a lot of time actually visiting frontline facilities, whether they are certificate management offices or manufacturing and aircraft certification offices. I talk one-on-one with the employees so that they understand what we are trying to achieve with this larger effort that we call risk-based decisionmaking.

What we want the FAA to be doing is to evaluate where we see risk in the system and to focus our efforts on the riskiest activities and to take full advantage of the flexibilities that exist under ODAs and under streamlined processes. That is something that we have to be constantly working on on the front lines as well as in the leadership of the organization.

Senator MORAN. Administrator, thank you for that. I would invite you back to Wichita at any time. The Secretary of Transportation, in a similar setting a few weeks ago, agreed that he would come visit Wichita. We would love to have you in the air capital.

Let me ask the other part of the Kansas question, which is we are also rural. Make lots of airplanes, but we are very rural. As we look at FAA reauthorization, I would be interested in knowing what you envision for small airports, how they will fit into the broader equation of transportation across the country.

Mr. HUERTA. Sure.

Senator MORAN. And then a couple of specific topics within that. Senator Blunt and Senator Cantwell mentioned the contract tower

program, and if you would include me in your conversations or information with Senator Blunt, I would welcome that. We want to make certain that that program is utilized in a beneficial way to rural America.

I also wanted to raise the topic of Essential Air Service. And one of the problems that many communities are experiencing is lack of reliability of those Essential Air Service carriers' service. And I would like to be made aware of your awareness and any thoughts on how we could improve that Essential Air Service program.

The general defense by the airline companies is, "We don't have enough pilots." And I don't know whether that is accurate or there is more to this story.

And if you could give me your perspective on both—I guess you have answered the essential—I guess I would take Senator Blunt's question one step further. What kind of timeframe, how many airports are you evaluating on the contract tower program? And then can you tell me what we need to do, what needs to be done, to make sure that Essential Air Service providers are more reliable than they are?

Mr. HUERTA. OK. Thanks, Senator Moran. I actually heard three questions—one relating to the AIP program, one related to towers, and then one related to the Essential Air Service. So I will try to tackle all three of those.

As it relates to access to the Airport Improvement Program, the AIP program is designed to strike a balance between supporting the major hubs in addition to providing a basic level of access. The administration's proposal incorporated in the President's budget basically would provide an increase in the PFC for the large airports in exchange for entitlement grants from the AIP program. This would enable the AIP program to focus on access for the small and medium-sized airports. So I think we are being very sensitive to what the infrastructure needs are in rural communities.

As it relates to contract towers, what we are looking at is not so much a specific list of towers, but the full scope of the program and the cost-benefit methodology. It gets applied on a tower-by-tower basis, but what we are looking at is not so much a set of specific facilities but how the overall program is structured. We are happy to share that methodology with you as well as Senator Blunt and Senator Manchin.

As it relates to the Essential Air Service program, I am a little bit out of my expertise here, since that program is administered by the Office of the Secretary. But my understanding of one of the major challenges with respect to EAS is the one thing that you have cited, the consolidation of the industry. It impacts how aircraft are being used into EAS markets—larger rather than the more ideally sized smaller aircraft that have a better fit with the demand that takes place in that market.

I understand that there are also legislative challenges or framework challenges with the EAS program. As I understand it, in order to maintain EAS service, it has to be maintained at the same level that was provided in 1988. I think a fair question is, is that really an appropriate measure? A lot has happened between now and 1988, and maybe that would bear some looking into that as a

way of providing more flexibility to maintain a basic level of service.

Senator MORAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Moran.

Senator Booker?

**STATEMENT OF HON. CORY BOOKER,  
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Administrator Huerta, first of all, I just want to thank you for your service to our country. I think that you have a very difficult job. I have gotten to know you a bit over my short time in this Senate, and I have just been very appreciative of your leadership.

It was a tribute, what Senator Moran said to you, by inviting you to Kansas. I want you to know that is a tribute to you, because he has never invited me to Kansas.

[Laughter.]

Senator BOOKER. Jumping in real quick, we have in New Jersey, as you know, a real congestion problem. In fact, you all found out in a January 2015 report that five airports will be significantly capacity-constrained by 2020. Four of those five are New Jersey-serving airports: Newark, JFK, LaGuardia, and Philadelphia.

I obviously have been in touch with your team about the implementation of NextGen and the urgency for my region. I just want to ask really quickly before I move on to another subject, what do you need from Congress to further the rapid implementation to deal with congestion? What do you need from the airline industry that you may or may not be getting that we could help you with? And what do you need from the air traffic controllers?

If you could give me some of those, give the Committee some of those things, so that we might act and help.

Mr. HUERTA. Yes, New York represents a particularly complex area because of the geographic—

Senator BOOKER. You mean New Jersey.

[Laughter.]

Mr. HUERTA. Well, the New Jersey metropolitan area—

Senator BOOKER. Thank you.

Mr. HUERTA.—that happens to include portions of the state of New York—

Senator BOOKER. Yes.

[Laughter.]

Mr. HUERTA.—represents very, very significant geographic challenges because the airports are very close together.

Senator BOOKER. Yes.

Mr. HUERTA. And they are older facilities with a lot of crossing runways. So there are a lot of challenges to work through there.

Nonetheless, I think that we have made some important progress there. But New York is critical for the health of the National Airspace System—New York and New Jersey—because that region accounts for the lion's share of delays that ripple throughout the entire air traffic control system.

What we have been very focused on is how we could better deploy performance-based navigation through airspace-redesign activities that give us greater efficiency in order to deconflict the air-

ports. Because the airports are close together, under traditional air navigation processes, traffic into Newark has to be operated in conjunction with traffic into Teterboro and traffic at LaGuardia. If we are able to have much more efficient and curved arrival and departure paths, it enables us to deconflict the airports, meaning we get greater capacity for all of the airports that are in the system in that area.

At LaGuardia, we published a new arrival procedure in April of this year. Why do you care about LaGuardia? This enables us to allow Newark and Teterboro to operate without restriction when LaGuardia and Kennedy are operating on a particular configuration. And that was just by changing one procedure at LaGuardia Airport.

We are looking for more of those opportunities in order to provide—

Senator BOOKER. Just real quick, because my time is running out—

Mr. HUERTA. Sure.

Senator BOOKER.—I would love to hear from your staff what we could be doing with the airlines and with the air traffic controllers.

Mr. HUERTA. Sure.

Senator BOOKER. I do think there are some issues with building more runways, creating more flexibility, dealing with the—I would love to talk more with you about the passenger facility charge programs and how they should be more directed in terms of investment to deal with some of the national problems.

But in the short time I have left, I just want to switch really quickly to the issue of UAS, or drones, and two questions I have.

One, as we are integrating next-generation technology, with the growth of the drone industry, isn't there some way that there could be some coordination in allowing a fix?

And then the second part of my question. Foreign countries are just moving so much quicker than us. I am wondering how are they identifying the risks beyond the sight-line operations of autonomous aircraft systems that are allowing their industry and related industries to develop more robustly than ours are?

Mr. HUERTA. Well, I think it is important to point out that what we are trying to do is to integrate UAS into an existing and mature air traffic control system, and the most important thing that we can do is do that safely.

Now, we have established six test sites around the country. New Jersey shares one of those test sites, along with many other states. The test sites provide a framework for us to set aside air space to conduct research and to conduct testing.

I think that what we are trying to accomplish is a many-pronged approach that is leveraging the test sites, leveraging existing exemption authorities that we have under section 333 of the last FAA authorization. We have now issued close to 140 exemptions. The exemptions are really being granted at a much faster rate than they were even a couple of weeks ago.

At the same time, we published a notice for the small UAS program, a rule that would provide the regulatory framework under which such UAS would operate. The rule, if it is adopted as we proposed it, would provide for the most flexible and adaptable un-

manned aircraft regulatory system that exists anywhere in the world.

I think that it is important to point out that what we have to do is look at this in a staged way. How can we manage risk as we introduce these vehicles? This is something that is very much at the forefront of our thinking in NextGen, because NextGen has to accommodate all users—the traditional users we have today as well as new users, such as unmanned aircraft, in the years ahead.

Senator BOOKER. Thank you, Administrator.

Thank you, Senator Booker.

The CHAIRMAN. Senator Ayotte?

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Thank you for being here.

I wanted to ask the Inspector General did the review of NextGen in 2014, and in that review there was quite a bit of criticism that the implementation was not going well.

Putting aside the funding issue I understand, what do you believe is the biggest problem you face right now in making this happen, in terms of administering it, assuming we could get—I understand the consistency and stability of reauthorization. What do you see as the biggest barrier?

Mr. HUERTA. I think that we have made a lot of progress.

When you look at what the Inspector General suggested in their report, they looked at a 10-year period, I think it is important to compare the first 5 years and the later 5 years of that 10-year period. It was in that later period of time that we started to put into place a lot of the program management processes that, when I came to the agency, I found to be lacking. Coming from industry, where I was the president of a technology company, I thought it was really important that what we adopted was done with the best industry practices for deployment of complex programs.

It was against that backdrop that we rebaselined the ERAM program, which at that time was over budget and behind schedule, and, once we were able to rebaseline it, put the program management processes in place. The program was successfully concluded and met its milestones and its timing and budget.

Likewise, that is now being applied to the full scope of NextGen programs. I think that on the technology side, we have put a number of tools in place that are giving us much more discipline in how we deploy complex technology programs.

On the operational side, we have had to establish a much better linkage between the air traffic operation, the people that are deploying the programs and new technologies, and the people that are certifying that the new operations and procedures are safe. What that has actually resulted in within the agency is a tighter linkage across the agency, rather than a separation.

I was mentioning to Senator Cantwell the airspace redesign projects that we have going on around the country. Well, our ability to turn on 61 new procedures on one day was premised upon having the operating part of the agency, air traffic, the regulatory side of the agency, AVS, and the NextGen side of the agency, plus all of our local partners, all working closer together to figure out



how to design it, how to implement it safely. As a result of applying that best practice, we now have an 80 percent utilization rate.

We wouldn't have seen that 10 years ago, because what we would have done would have been to do it piecemeal. It is that integrated approach that I think that we need to do more and more of.

Senator AYOTTE. I think one of the things I would, as we go forward, like to hear more from the agency—I have some other questions on another topic—but also is why, really, if we were to go down a different model in terms of air traffic control, for example, the Canadian model, how that would work here. And I think that is something that we need to look at and evaluate. I know the House committee is evaluating it, as well.

But before I go, I wanted to ask you about the passenger facility charge and ask you, the proposal you have, in increasing the Federal cap on the local passenger facility charge—obviously, general aviation has its challenges, and it is important to our economy.

So why do you think that we need to raise that cap now? And when was the last time you raised it? And what do you think that will do to average consumers in terms of their travel, in terms of that cost being passed on to them? So can you let us—

Mr. HUERTA. Sure.

Senator AYOTTE.—understand why you think this is justified?

Mr. HUERTA. Well, what we are trying to do is establish a balance between providing more local control and local resources for large hub airports that can afford to raise funds locally and targeting the base AIP program toward the smaller communities that might not otherwise be able to support an increase in the passenger facility charge.

Essentially, as the president has proposed it within the budget, what we would do is we would reduce the overall size of the AIP program from \$3.35 billion to \$2.9 billion. The large airports would be excluded from AIP, and, in exchange, they would be given the opportunity to raise the funds locally through the increase in the passenger facility charge.

I think that strikes the right balance between providing local control to those that can afford it, but, at the same time, for the smaller communities that are providing services to a much more diverse range of users, the base AIP program would still be there for them.

Senator AYOTTE. Thank you.

The CHAIRMAN. Thank you, Senator Ayotte.

Senator Daines?

**STATEMENT OF HON. STEVE DAINES,  
U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman.

Mr. Huerta, thanks for being here today. And thank you also for working with us in Montana on the Powder River Training Complex. Appreciate the meeting that you took with us that allowed us to discuss the issues here.

As we have said, the expansion of the Powder River Training Complex in eastern Montana is still leaving some safety concerns for the general aviation pilots. I am thankful the Air Force and the

FAA have promised to take this adaptive management approach to the implementation of this air space.

Could you perhaps describe how this approach might be realized and, specifically, how the Air Force and the FAA will evaluate the safety of the airspace and consider additional mitigations and adjustments as needed along the way?

Mr. HUERTA. Well, the principal thing that we were very focused on was how do we ensure basic levels of access to certain communities that would otherwise be restricted.

I think that what the Air Force proposed, and what we actually required as a condition of approving their application for the Powder River complex, was that they would have an operating system and a communication system in place to protect access to air, primarily around Baker, Montana, which is in the eastern part of the state. As you pointed out when we met, Baker was really a hub of activity associated with the oil industry and other extractive industries that are taking place out there.

Until that communication system is in place, the Air Force is restricted to operating at the higher altitudes. They are actively working on this, and we will need to sign off on the existence of the communication program.

Senator DAINES. Yes. And I think we share the same fear, that the communication system is a great step but I know the folks out there aren't quite convinced it goes far enough.

I would like to get your commitment to continue to work with the local airports, the stakeholders, to provide the appropriate communications and radar equipment necessary to ensure a high level of aviation safety.

Mr. HUERTA. We will certainly continue to work with the community. This is something that we spent a lot of time really trying to understand in discussions with local stakeholders and users there in—

Senator DAINES. And I appreciate that, too. We are watching, again, where this is going to be in the next 5 to 10 years—

Mr. HUERTA. Sure.

Senator DAINES. As you mentioned, the growth in the resource industry out there, the Baker on-ramp, where the Keystone pipeline will eventually go, is right there near that airport.

Another question here relates to the medical examination alternatives for pilots exercising their third-class medical privileges with a few additional restrictions. And we are pleased to see the FAA announced plans to do that.

I can tell you, this is very well received back home in Montana. In fact, just during this last recess, a number of occasions, I had pilots come to me unsolicited and thank us for the direction this is headed right now.

What is the timeline for implementation? And do you have any indication what it will look like?

Mr. HUERTA. Well, I can't give an indication of what it will look like because it is actually taking the form of a rulemaking process, and, as you know, we can't talk about a rule while it is under development.

But I will say this. We put out the original petition that was submitted by the general aviation industry for public comment. We did

receive comments on both sides. While there were significant numbers of supporters, there were also significant numbers of those that expressed concerns, primarily the commercial pilots and the aviation medical examiners.

We now have taken that and, during the process of developing a Notice of Proposed Rulemaking, have been in consultations with our colleagues across the administration about getting that out there for public comment.

The important thing is to strike the right balance of ensuring that there is no degradation in safety while at the same time making sure that what we have is something that isn't serving as a disincentive to those that want to fly.

Senator DAINES. All right. Well, thank you, and I look forward to continuing to work with you on that. It is a big issue, I know, especially for the rural states, who have a lot of airspace.

Lastly, Montana is the home to three Federal contract tower facilities, one in Kalispell, my hometown of Bozeman, as well as Missoula. As you know, the FAA is working to revise the cost-benefit criteria for the contract tower program.

Considering that contract towers are responsible for 28 percent of air traffic and utilize just 14 percent of total funding, how could you possibly determine that this is not cost-effective?

Mr. HUERTA. Well, it is just, where do the numbers take us? And that is the analysis that we have ongoing right now. What are the benefits of having a tower versus other technologies that would exist based on the traffic that a facility has?

A tower provides an important level of safety; no one disputes that. It is really a question of ensuring that we are able to provide it in as cost-effective a way as we can.

Senator DAINES. Thanks, Mr. Huerta.

The CHAIRMAN. Thank you, Senator Daines.

Senator Heller?

**STATEMENT OF HON. DEAN HELLER,  
U.S. SENATOR FROM NEVADA**

Senator HELLER. Mr. Chairman, thank you. Thanks for holding this hearing.

And, Administrator, thank you for being here also.

I want to talk a little bit about the Small Community Air Service Development Program. Everything is local, as you are probably well aware, and I want to talk to you a little bit about Nevada.

Let me start with some numbers. You know, we have a 1997 study that determines whether you are a small hub, medium hub, large hub, or a major hub. And the concerns are—and I think these numbers will help you understand it.

At the Reno-Tahoe airport in 1997, based on the 1997 study, 162,000 planes came and left—162,000. As of last year, 75,000. So we see a reduction of about 54 percent. In real numbers, in 1996, based on the 1997 study, there were over 3 million travelers. As of last year, it was 1.7 million. So you can see that an airport like Reno-Tahoe has seen since 1997 a major reduction.

I guess the question is, is there any way to go from a medium hub to a small hub and take advantage of some of the grant programs that are available?

Mr. HUERTA. I will have to get back and answer the question in more detail with respect to eligibility. This is actually a program that we don't administer at the FAA. It is administered in the office of the secretary even though it is framed out in our authorization—

Senator HELLER. Right, right.

Mr. HUERTA.—and included in our budget.

I know that SCASDP is a program that is very focused on where you are trying to get: How do you provide small and rural communities with grants that enable them to build air traffic? But in terms of how they move from one to the other, we can get back to you with a more specific answer.

Senator HELLER. OK. Yes, I would like to know that.

Would you have any problem with eliminating the 1997 requirements to go into a more up-to-date number system?

Mr. HUERTA. You know, I would have to get more familiar with how the program goes to really have a reasonable answer.

Senator HELLER. I will tell you what. I will send a letter to you—

Mr. HUERTA. Sure.

Senator HELLER.—and give you an opportunity to respond.

As you know, international travel plays a vital role throughout America. Obviously, with a state like Nevada, Las Vegas, we are well aware that an international traveler spends probably five times more than a domestic traveler does when they come into a city like Las Vegas.

I am going to ask you a question, again, that maybe you have little to do with, but I still want to get your feedback on it.

One of the biggest complaints that we have is the visa process and entry process. I am sure you are well aware of it, and, again, I know it is out of your purview to take care of this, but I was just wondering if there is a better way that the FAA can coordinate with TSA and some of these other custom agencies to resolve those kind of issues.

Mr. HUERTA. As it relates to how visas are granted, we are certainly open to having a conversation with our colleagues at Homeland to see if there are things that we might be able to be helpful with—for example, on the airport infrastructure side. Is there something about the design of a facility that would merit a quicker way to move people through the system when they visit?

But as it relates to the original granting of a visa, that is something that is very much outside of our purview.

Senator HELLER. I am well aware of that.

Mr. HUERTA. It would be much more on the airport side. If there are things they need from us, we would like to hear about it.

Senator HELLER. You can imagine every airport that comes in and sits down and talks to me, that is the biggest concern and question that they have—

Mr. HUERTA. Sure.

Senator HELLER.—the ability to get people in and out, not only, obviously, Las Vegas but New York, Orlando, Los Angeles, and every state that is represented here—

Mr. HUERTA. Absolutely.

Senator HELLER.—on this committee.

Let me talk a little bit about the importance of travel. You know, there are 150,000 Nevada jobs that are attributed to the travel industry. And, obviously, you play a major role in that. And we are not just talking Las Vegas; you have the Reno-Tahoe area and places like Virginia City that are affected from it. It is about \$17 billion in GDP just in the state of Nevada alone, so you can imagine how important this is to us.

Just a basic question. What is the largest impediment to increasing capacity and reducing delays that we see in the airports today?

Mr. HUERTA. There is a great deal that we can do through better operation of the air traffic system, and that is what NextGen is really very focused on.

But in certain areas, one of our largest challenges, particularly in older metropolitan areas, is constraints on the airport itself—no room to grow, no room to add runways. So we can focus on everything that we can possibly do to get greater efficiency out of the infrastructure that we have, and we are very, very focused on doing that. But in certain instances, you do run into the limits of just the facility itself. That is something that we have to continue to look at.

And there are challenges in doing that. Particularly, in large urban areas, many of our airports are older and the metropolitan area has grown up around it. So you have to deal with very complex land use and utilization questions that are difficult for local entities to deal with.

I think that what we at the FAA can do is support where we see the demand growing, and we do, in an annual forecast. We share what we see air traffic is going to look like. We work with our industry partners, and we want to support states and communities in figuring out how they can ensure that they have the necessary infrastructure.

Senator HELLER. Administrator, thank you.

And to you, Mr. Chairman, thank you. I know I don't have to say this, but Senator Booker is welcome anytime into Las Vegas and the state of Nevada, so—

[Laughter.]

Senator HELLER. Thank you.

The CHAIRMAN. Yes. I think we welcome him in all our states.

[Laughter.]

The CHAIRMAN. Senator Klobuchar is up next, and then Senator Sullivan to take us out.

**STATEMENT OF HON. AMY KLOBUCHAR,  
U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. All right. Thank you very much, Mr. Chairman.

Thank you, Administrator, for being here and for your good work. You have been in our state, so thank you for that.

I wanted to talk a little bit—I know Senator Moran touched on the Small Airplane Revitalization Act and the certification process. You know we really want to get those rules done. I was the Democratic lead on the bill with Senator Murkowski. It was a bipartisan bill that passed through both houses, and we are excited it was signed into law.

I know you view the rewrite of Part 23 rules for small airplanes as really important to safety. Can you assure us that the NPRM for Part 23 small airplane rules will be published in the *Federal Register* by this summer? "Summer" is 3 months of a summer, so——

Mr. HUERTA. I think it would be ambitious to say I would get it published in the summer. We are very focused on getting it published this year.

Senator KLOBUCHAR. OK.

Mr. HUERTA. It is, as you know, a comprehensive rewrite of Part 23. A lot of really good work is going into this project. I think the industry is going to be very pleased with where it is. But we are very focused on getting it done as quickly as we can.

Senator KLOBUCHAR. All right. Thank you.

I am also leading the bill to lift the embargo on Cuba with Senators Flake, Enzi, and Paul and a number of Democrats. There are 11 million people ——

Mr. HUERTA. Yep.

Senator KLOBUCHAR.—just off our shore, 90 miles away.

There is also a bill that I am a cosponsor of to lift the travel embargo. Previously, only certified chartered flights could fly from one of 19 approved U.S. airports to Cuba. However, with restored diplomacy, there is now one carrier, Sun Country—that seems like a good name for Cuba—which is, in fact, a Minnesota-based air carrier, offering some scheduled commercial air service to Cuba from New York.

While it is still costly and travelers have to cut through a large amount of red tape, this is a sign that some travel is opening because of these changes. Can you describe the steps the FAA is taking to help facilitate increased air travel between the U.S. and Cuba?

Mr. HUERTA. Sure.

The FAA is third in line, behind our colleagues at State and the Transportation Department, in terms of initiating new air service. Essentially, State has been involved in a government-to-government consultation and they are now bringing the aviation piece into the discussion, which is supported under the economic authorities for air service that are held by the Secretary of Transportation.

Our piece of it will kick in with respect to ensuring the safety of the operators that are going to provide service between here and Cuba. That includes an assessment of our Cuban counterpart to ensure that, should Cuban air carriers wish to provide service to the U.S., that they can provide the regulatory oversight to ensure that they are doing it safely and, at the same time, ensuring that our carriers have the appropriate operating specifications to provide service there.

It is a tremendous opportunity, and it is something that we are working with our government colleagues to make a reality, as we work through the process to restore regular air service into Cuba.

I will say this, and that is that we have a very open relationship with our Cuban air traffic counterparts. We share an airspace boundary with Cuban airspace, and we pass flights back and forth daily between the United States and Latin America that overfly Cuba.

Senator KLOBUCHAR. Right. I went to Cuba a few months ago with Senator Warner and Senator McCaskill. I think people would be surprised at all the flights going back and forth. They are officially charters, but they are actual carriers like JetBlue and other companies. I think people would be surprised at how many of these flights are going in and out all the time.

Mr. HUERTA. It is a lot.

Senator KLOBUCHAR. Yes.

Last Congress, I cosponsored the BRIDGE Act with Senators Warner and Blunt and others, which would establish an infrastructure financing authority. As you know, we are coming up on the deadline of the Highway Trust Fund, which isn't in your area. But do you support the creation of this financing authority to help finance investments in our aviation infrastructure in addition to the Airport Improvement Program funds?

Mr. HUERTA. I think that any tool in the toolbox that provides a mechanism not only to provide grant assistance but also to leverage private investment in infrastructure is a good thing. As we look at how do we address the large infrastructure problems as a country, we need to look at every possible tool in the toolbox, and that certainly is a good opportunity.

Senator KLOBUCHAR. Well, thank you very much. I appreciate it.

Mr. HUERTA. Thank you.

The CHAIRMAN. Thank you, Senator Klobuchar.

The Senator from Alaska, Senator Sullivan.

**STATEMENT OF HON. DAN SULLIVAN,  
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman.

The CHAIRMAN. Big issues with the FAA in Alaska, right?

Senator SULLIVAN. And, Administrator Huerta, thank you. I would like to get you up to Alaska, and soon, if you can. Also, I know there are a lot of people inviting Senator Booker. He was in Alaska last summer. I would like to bring him up for other purposes than what he was up there for last summer.

Mr. HUERTA. I have been to Alaska twice, and—

Senator SULLIVAN. Good. No, I know you have, and I want to extend that invitation again.

And I think, you know, I don't have to cover too much, because we could be here all morning, but I do believe, you know, you have a lot of states that talk about how unique they are with regard to general aviation and aviation services. You have been there twice—and, again, we would welcome you to come on up for another visit—but, with regard to Alaska, as you know, there are very, very many unique—

Mr. HUERTA. Yes.

Senator SULLIVAN.—situations with regard to general aviation. As you know, many, many of our communities, even large communities, aviation is the only means by which to get in and out, whether it is just travel, whether it is supplies for stores. And there are over 400 general aviation airports across Alaska.

As Senator Heller was talking about, it is also a huge part of our economy. The general aviation industry contributes over a billion dollars to our state's economy, as well as supports close to 50,000

jobs in the state, including a key role—and you probably know this; a lot of folks don’t—in terms of health care——

Mr. HUERTA. Yes.

Senator SULLIVAN.—in and out of different communities.

Obviously, safety is a very big issue for us. And we have had some very tragic accidents, like a lot of states have. And I wondering, in terms of access in and out of small communities, that aviation is the key lifeline, but also safety. How do you look at balancing those two different issues?

And, more generally, with regard to the reauthorization bill, will there be provisions to kind of make sure there is a focus on rural states that rely on general aviation so much?

And is the FAA looking at putting out their own reauthorization proposal as a beginning? I mean, you are the experts on these areas, but you know how important they are to certain states like mine.

Mr. HUERTA. Sure. Aviation is certainly very important to Alaska, and that was hammered home to me the first time I visited, when I had the opportunity to visit many of the isolated communities that you are talking about, including the state capital, which is accessible only by air.

Alaska has many unique challenges that we need to deal with, with respect to the variability of the weather, the nature of the infrastructure that exists on the ground, and how aviation is used. Someone used the example that the Beech Bonanza is more or less the family car for a lot of families that live up in Alaska.

Alaska also, though, serves an important role in testing and deploying new technologies for all of the FAA. It was in Alaska that we first pioneered the use of Automatic Dependent Surveillance-Broadcast and then, through the Capstone program, laid the foundational steps for what is now being deployed across the whole country for performance-based navigation, which gave Alaska much better access in inclement weather systems.

I think finding that right balance between the needs of rural communities and the needs of the aviation system in its entirety is really a central theme that Congress needs to grapple with as we look at reauthorization. In the past, Congress has always been striving to achieve that balance. What do we need to support the overall industry in its full extent—carriers, manufacturers, and so forth? At the same time, aviation is an important mode of transportation, particularly in a state like Alaska.

Senator SULLIVAN. Let me ask just a quick more specific question. You know, I was home, like a lot of us, during recess. And another area where we have been a pioneer is in terms of training, particularly the College Training Initiative program at the University of Alaska. We were one of the original five CTI institutions in the United States in 1990.

I know you have had a lot of questions, but there are a lot of questions about what has happened with regard to the FAA’s focus on providing applicants, particularly with regard to air traffic controllers coming out of these training facilities and institutions, a preference with regard to hiring.

And there were a lot of concerns that this was not done in a transparent manner, that this could increase cost to the FAA, this



could, obviously, in my view, undermine safety. Could you comment on that?

Because, you know, there were a lot of students in the pipeline at UAA who, bam, without any warning, really were told, hey, this is not going to help you with regard to getting hired through the FAA, in terms of air traffic controllers.

Hopefully you have been to the UAA facility. It is world-class. I was there; again, I spent a couple hours there. I can't imagine why we would not be encouraging this kind of training versus, with the stroke of a pen, not encouraging those students who have put literally years into training to get careers.

What was going on there, and what is going on there? There is a lot of concern on what you guys have done.

Mr. HUERTA. I think that it is important not to confuse what we regard as training and what we regard as qualification for a job with an entitlement. The important thing to recognize is the air traffic controller profession is a very attractive profession. Last year, we hired—

Senator SULLIVAN. But you are not saying that that preference was an entitlement, are you?

Mr. HUERTA. Well, I think some confuse it as that. I am not saying everyone, but I think some do.

But let me just give you some numbers. We hired 1,600 controllers last year. We received 28,000 applications. Of the 1,600 that were hired, two-thirds came out of the collegiate training programs that you are referencing.

So they are getting credit for this training. They represent the majority of people that we are actually hiring. Every one of those 1,600 individuals is now going through training at the FAA and is being offered a job in the system.

But if you look at everyone who is coming out of the programs, the numbers greatly exceed what the FAA would ever expect to hire. So I think that it is important to recognize that what we are trying to do is get the best qualified pool of candidates, but we have far more demand for the jobs than we actually have positions available. This is a dialogue we will continue to have with the CTI programs.

Senator SULLIVAN. Yes, I think it is important.

Thank you, Mr. Chairman.

And I will have some follow-up questions with regard to the change. I think transparency, though, in that change and not having it so abrupt, very important as you look to do something like that in the future.

The CHAIRMAN. Thank you, Senator Sullivan.

Mr. Administrator, as you have heard, there is an interest among the members of the Committee related to ATC reform. And a question is, has the FAA evaluated options for a path forward if it is shown to be the right thing to do?

Mr. HUERTA. Well, we are evaluating options, but I think the first question—you have to answer two questions first. What problem do we think that we are trying to solve here? And then the second thing, what does the proposed solution look like?

There have been many conversations that have been taking place, ranging from full-scale privatization to something that is

more a government corporation kind of model or a different type of agency model that might exist. I think all of those need to be on the table as we talk about how we best ensure safety and deliver NextGen.

But it is important that when we look at this we look at the progress that we have made. For example, many have talked about we need to change the organizational structure to enable us to more efficiently deploy NextGen.

What you have heard me say today is a lot of the progress we have made on efficiently deploying NextGen in the past few years has been tighter links within air traffic with their colleagues, particularly in the regulatory and airports part of the agency.

I would be fearful of any structure that would actually put a wall in the middle of that process that would make it harder to build those collaborative relationships so that we can deploy the very thing the users need and want and which we are all supportive of.

So we need to ensure that there are not unintended consequences that result from moving too quickly to a structural alternative. Across the whole industry we have to have a clear understanding of what are we trying to get to and how are we going to ensure that we get there in the years ahead.

The CHAIRMAN. Well, I guess what I would say is, as we work on reauthorization, we would like to continue that discussion with you and with—

Mr. HUERTA. Absolutely.

The CHAIRMAN.—the agency on developing options and certainly getting your, you know, reaction, evaluation of some of those things that are out there as we work to achieve the goals of a safer and more efficient and cost-effective FAA and air traffic control system.

So, to the degree that you have input that you would like to offer us, we would certainly welcome that and look forward to working with you—and any other thoughts on reauthorization that you can put forward. I don't know if you have put any draft out there yet, but, to the degree that that is available, we would appreciate that as we get underway with our efforts.

Mr. HUERTA. Absolutely.

The CHAIRMAN. So we thank you for being here today and for your responses to our questions. And, obviously, the room has been vacated, so we will release you.

And this hearing is adjourned.

Thanks.

Mr. HUERTA. Thank you, Mr. Chairman.

[Whereupon, at 10:54 a.m., the hearing was adjourned.]

## A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO  
HON. MICHAEL P. HUERTA

*Question 1.* What is the agency doing to assist general aviation airports and rural states in providing cost-effective local weather data needed to support Instrument Flight Rules approaches and maximize airport operational utility?

Answer. The FAA's Non-Federal Program mission includes helping general aviation (GA) airports and rural states acquire/operate cost-effective aids to air navigation. This includes acquiring &/or expanding access to local weather data that supports IFR approaches, and maximizes airports' operational utility.

The Non-Federal Program approaches this effort in various ways. One key example is the work with the Aircraft Owners & Pilots Association. ("AOPA" represents the GA community, and has nearly 400,000 members.) This collaborative effort focuses on non-Federally-owned automated weather observation systems (AWOS). The goal is to increase the number of non-Federal AWOS that are connected to the FAA's WSMCR system.

The FAA's WSMCR capability is used to disseminate current aviation-meteorological data products. This includes "aviation routine weather reports," aka "METARs," which are aggregated from various sources. Increasing the sources of data results in better quality weather products and increased benefit for the GA community. As the sources increase, pilots planning a flight will have access to FAA-certified weather information available for broader array of airports. Additionally as data is received from the increased number of local AWOS, the accuracy of local weather forecasts will be improved. These benefits clearly help to support instrument flight rule (IFR) approaches, and maximize airports' operational utility.

*Question 2.* What policy changes can be taken to encourage manufacturers of Automated Weather Observing Systems (AWOSs) to use new technology that minimizes maintenance requirements and ongoing operational costs? In turn, what agency policies can be modified to minimize or remove unnecessary or burdensome requirements related to AWOSs that are not required for safe aircraft operation?

Answer. The FAA's Non-Federal Program has been working with the Aircraft Owners & Pilots Association (AOPA). One objective of this joint effort is to encourage prospective owners of non-Federal AWOS to buy the newest types of FAA-approved AWOS. Similarly, owners of older types of AWOS are being encouraged to upgrade to newer systems.

This effort is primarily intended to benefit the aviation community. However, as the pool of prospective buyers grows, a benefit will also accrue to the companies that manufacture and maintain non-Federal AWOS. Presumably, these companies will seek to convert the maximum number of prospective buyers into actual buyers. A fundamental way companies can accomplish this is by making their products and services as affordable as possible. For instance, many manufacturers also sell maintenance packages. Therefore, manufacturers can make AWOS ownership more affordable by developing new technology that minimizes maintenance requirements and on-going life-cycle costs.

Additionally, the FAA is taking steps to reduce maintenance requirements and their associated costs. A prime example can be found in the latest revision to the "non-Federal AWOS AC," which reduced annual maintenance costs by 25 percent. Prior to this revision, maintenance had been required four times per years (*i.e.*, every 90 days). However, the revision reduced this requirement to three times per year (*i.e.*, every 120 days). This change was made possible because non-Federally-owned facilities must be operated and maintained to the same standards as FAA-owned facilities. The FAA had determined that its AWOS only needed to receive maintenance three times a year—rather than four. That decision was influenced by manufacturers' development of systems with improved technology and reliability.

It is important to note that the FAA does not—and cannot—develop its maintenance requirements based solely on how technologically advanced a system is. A re-

quirement may seem “burdensome” and “unnecessary”—until all the relevant (though lesser known) factors are considered. For instance, if a non-Federal AWOS is not operating properly, how will that affect its weather data? Will it interfere with the frequencies of nearby air-navigation facilities? Also, how well is the system protected against cyber attacks and physical vandalism? Will softening the requirements expose the FAA to potential liability that outweighs the benefits to owners & manufacturers? And if an accident occurs, will the AWOS owner be able to provide the necessary data to assist the NTSB?

Finally, the Agency strives to support the expansion of non-Federally-owned systems in the NAS. However, it also strives to provide quality over quantity.

*Question 3.* FAA Advisory 150/5220-16D, “Automated Weather Observing Systems (AWOS) for Non-Federal Applications,” requires maintenance technicians for AWOSs to comply with FAA Order 6700.20A, “Non-Federal Navigational Aids and Air Traffic Control Facilities.” This Order is dated December 11, 1992. Technology has changed significantly in 23 years. For example, the Order requires non-federal technicians to have an FCC general radio telephone operator license as well as the same qualifications as Federal technicians. Has the FAA re-evaluated the qualifications for non-federal technicians to ensure the requirements are commensurate with the level of skill necessary to maintain the modern day technology? If so, how has the FAA worked with manufacturers during this evaluation? If not, how would the FAA work with manufacturers during such an evaluation?

*Answer.* The FAA has recently re-evaluated 6700.20A’s qualifications for non-Federal technicians. Those qualifications remain proportional to the task of maintaining FAA-approved, non-Federally-owned systems. Similarly, those same qualifications continue to apply to the FAA technicians who maintain Federally-owned equivalents of non-Federal systems.

FAA Order 6700.20A is nearing the culmination of a complete, multi-year overhaul. The result will be an updated version: 6700.20B. The update process included extensive review by a large number of organizations and personnel from across the FAA. During the national review, the FAA office in charge of the overhaul received more than 800 comments. Many of them proposed changes to obsolete policies and procedures. However, out of more than 800 comments, there were no suggestions to amend the FCC-licensing requirements for non-Federal technicians.

Finally, order 6700.20 is an FAA “directive.” Agency policy dictates that directives are mandatory instructions for FAA personnel. As a result, only Agency personnel are involved in the writing and revision of FAA orders.



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